UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,063	04/05/2000	Marretta Marie Misstretta	200-0249	7228

28787	7590	04/16/2004

DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS, MI 48304

EXAMINER
KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 January 2004_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _5 and 7_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _5 and 7_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The following communication is in response to Applicant's amendment filed on 15

January 2004.

Status of Claims

2.   Claims 1-4 and 6 have been cancelled. Claims 5 and 7 have been amended. Therefore

claims 5 and 7 are under prosecution in this application.

Summary of this Office Action

3.   Applicant's arguments filed on 15 January 2004 have been fully considered, and

discussed in the next section below or within the following rejection are not deemed to be

persuasive. Therefore claims 5 and 7 are rejected as being unpatentable over the prior art cited

below, and Applicant's request for allowance is respectfully denied.

Response to Applicant's Amendment

4.   The Examiner acknowledges changes made by the Applicant to address issues regarding

35 U.S.C. 112 rejections.

5.   Regarding independent claim 5, Applicant argues that Boesch fails to teach that credit

worthiness of the customer and the credit worthiness of the merchant are combined to bring forth

a more favorable exchange transaction for the parties. However, Boesch teaches differentials

used to approve transactions between a merchant and customer. Boesch teaches that the

differentials may be dependent upon creditworthiness of the customer user or the merchant user

along with other factors all considered in a "risk range" (column 9, lines 11-25). Further, the

"risk range" as taught by Boesch, is used to determine a more favorable exchange transaction for

the parties (column 3, lines 3-37). Hence, the limitation that credit worthiness of the customer

and the credit worthiness of the merchant are combined to bring forth a more favorable exchange

transaction for the parties, is in fact taught by Boesch.

6.   In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., that the server

entity of Boesch does not bring itself into the transaction to help the credit worthiness of the

customer and the merchant to lower the transaction cost) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993). Claim 5 does not explain the manner in which creditworthiness of the customer and the

merchant are used to lower the transaction cost. Furthermore, Boesch does teach executing

currency exchange transactions over a server with outside entities in order to minimize costs

associated with the plurality of entities (column 12 lines 7-57). Therefore Boesch does teach a

server being brought into the transaction to lower the cost of the transaction.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

9.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

10.   Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et

al. (hereinafter Boesch) U.S. Patent 5,897,621 in view of Potter et al. (hereinafter Potter) U.S.

Patent 5,787,402.

Regarding independent claim 5, Boesch teaches a method of conducting exchanges of currencies for a plurality of first and second entities, said entities being in jurisdictions having working capital in differing fist, second and third currencies (column 2, lines 55-65 and column 2, lines 32-38) comprising:

evaluating the currency exchange requirement for a first entity having a first currency working capital on a first predetermined time frame for selling said first currency and buying said second or said third currency and selling said first currency and buying said second or said third currency (column 2, line 55 thru column 3, line 35 and column 11, lines 7-23);

communicating said currency exchange requirement of said first entity to a central currency exchange management entity (column 3, lines 25-35);

evaluating the currency exchange requirements for a second entity having a second currency working capital on a first predetermined time frame for selling said second currency and buying said first or said third currency, and selling said second currency and buying said first or said third currency (column 2, line 55 thru column 3, line 35 and column 11, lines 7-23);

communicating said currency exchange requirement of said first entity to a central currency exchange management entity (column 3, lines 25-35)

evaluating the currency exchange requirements of said second entity on said first predetermined time frame for selling or buying said second currency and buying or selling a second currency of said second entity (column 2, line 55 thru column 3, line 35, column 4, lines 8-15 and column 4, lines 60-65);

obtaining quotes of a rate of exchange for selling said first currency and buying said second currency or said third currencies and buying said first currency and selling said second or

third currencies and selling said second currency and buying said first or third currencies and

buying said second currency and selling said first or second currencies and selling said third

currency and buying said second or first currency and buying said third currency and selling said

first or second currency based upon the credit worthiness of said first and second entities and

said central currency exchange management entity and the volume of transactions of said

combined first and second entities and said central currency exchange entity (column 11, line 7

thru column 12, line 57, column 9, lines 12-25 and column 8, line 59 thru column 9, line 10);

determining a net amount of currency exchange transactions (column 2, line 55 thru

column 3, line 35, column 5, lines 1-20, column 6, lines 10-16, and column 7, lines 19-22);

executing said net currency exchange transaction by having said central currency

exchange management entity to conduct said net currency exchanges with an outside entity to

limit the exposures of currency transactions for said first and second entities and to minimize the

cost associated for said first and second entities (column 12 lines 7-57 and column 8, lines 49-

58).

Boesch fails to teach evaluating the currency exchange requirements for a third entity

having a third currency working capital on a first predetermined time frame for selling said third

currency and buying said second or said first currency, and selling said third currency and buying

said second or said first currency. It would have been obvious to one of ordinary skill in the art

at the time of the Applicant's invention to modify the teachings of Boesch to include a third

entity because many financial networks are designed to accommodate a plurality of entities who

trade and transact with one another. The third entity in the instant application functions in the

same manner, as do the first two entities and therefore the actions of the third entity are

anticipated as mentioned above for the first two entities. Boesch further teaches an entity having

access to a plurality of currencies owned by the entity (column 11, lines 7-16). It would also be

obvious to one of ordinary skill in the art, that an entity could be considered multiple entities by

defining the currency associated to the entity. For example, an entity with United States Dollars

could be considered a different entity when the entity is using French francs since the customer

has the ability to trade with himself and exchange between multiple entity currencies currency as

described by Boesch (column 12, lines 40-57).

Claim 7, Boesch fails to teach the central currency exchange management entity is

credited with a spread of quotes of the rate of exchange of a net amount of currency exchange

transactions. Potter teaches that the central currency exchange management entity is credited

with a spread of quotes of the rate of exchange of a net amount of currency exchange

transactions (column 2-7) It would have been obvious to one of ordinary skill in the art at the

time of the Applicant's invention to modify the teachings of Boesch to include the teachings of

Potter because it is desirable to have the central currency exchange management entity is

credited with a spread of quotes of the rate of exchange of a net amount of currency exchange

transactions to better track and credit the entities in the method. There is sufficient motivation to

combine references, both teach method for multi-currency transactions over a computer network

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The

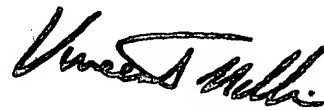examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
02 April 2004

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600